

MINUTES OF MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
SEPTEMBER 16, 2015

The Southeast Cass Water Resource District met on September 16, 2015, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean Fredricks, Attorney for the Board; Chad Engels and Kurt Lysne, Engineers for the Board; George Grossman and Ryan James, City of West Fargo; Brady Woodard, Moore Engineering, Inc.; Jason Benson, Cass County Engineer; and Rich Sieg, Cass County Highway Department Superintendent.

Approval of agenda

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to approve the order of the agenda, as amended.

Minutes

It was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to approve the minutes of the August 19, 2015, meeting.

Drainage complaint from Truman Kingsley against Bruce Brand in the NE 1/4 of Section 28 in Stanley Township

Bruce Brand received a signed *Flowage Easement* from Truman Kingsley. Kurt Lysne will follow-up with Mr. Kingsley to discuss whether he is willing to withdraw the complaint against Mr. Brand in the NE 1/4 of Section 28 in Stanley Township.

2015 Drain #3 and #10 Channel Improvements Project

Brady Woodard updated the Board regarding the 2015 Drain #3 and #10 Channel Improvements Project. The contract completion date is November 15, 2015.

Drain #21 Improvements Project from Main Avenue to 12th Avenue North

Mr. Lysne updated the Board regarding the Drain #21 Improvements Project from Main Avenue to 12th Avenue North.

It was moved by Manager Jacobson and seconded by Manager Yohe to approve *Change Order No. 1* for Riley Bros. Construction, Inc. for a contract decrease in the amount of \$17,998.40 regarding the Drain #21 Improvements Project from Main Avenue to 12th Avenue North. Upon roll call vote, the motion carried unanimously.

Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee

Mr. Lysne updated the Board regarding the Drain #45 Improvements Project from 12th Avenue NW to the Sheyenne-Maple Flood Control District #1 tieback levee. The contractor is updating the insurance coverage needed to comply with the project contract. Mr. Lysne does not report any concerns.

Drain #40 channel bottom

Chad Engels reported there is possible erosion in the Drain #40 channel bottom downstream of the I-29 crossing. Mr. Engels suggested conducting a centerline survey to analyze the channel bottom to avoid a major reconstruction.

It was moved by Manager Yohe and seconded by Manager Jacobson to authorize Moore Engineering, Inc. to survey Drain #40 from 19th Avenue North to the outlet, at a cost not to exceed \$3,000. Upon roll call vote, the motion carried unanimously.

Drainage through Cass County Highway 10, south to the Sheyenne-Maple Flood Control District #1 intercept culvert

Mr. Lysne reviewed the *Engineer's Opinion of Probable Cost* to construct a proposed legal drain through Cass County Highway 10, south to the Sheyenne-Maple Flood Control District #1 intercept culvert. The estimate does not reflect the legal costs. Mr. Lysne will update the cost estimate and email it to the Board.

A Joint Powers Agreement will need to be obtained between the Southeast Cass Water Resource District, Cass County, and the City of West Fargo. The Board discussed dividing the costs throughout the creation of the project. An assessment district will need to be established and voted on to maintain the project. Manager Brodshaug will discuss the proposed drain with adjacent landowners.

Sheyenne-Maple Flood Control Projects – Re-certification of the Horace to West Fargo Diversion Levee System – Amendment I to the State Water Commission Agreement for Cost-Share Reimbursement

It was moved by Manager Yohe and seconded by Manager Jacobson to approve Amendment I to the State Water Commission *Agreement for Cost-Share Reimbursement* regarding the Re-certification of the Horace to West Fargo Diversion Levee System. Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain #20157 for E. Lynn Overboe in the NW 1/4 of Section 21 in Normanna Township

The Board reviewed *Application to Install a Subsurface Drain No. 20157* dated July 17, 2015, for E. Lynn Overboe. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the NW 1/4 of Section 21

in Normanna Township, Cass County, North Dakota. The project will include a pump outlet that will discharge along the west boundary of the NW 1/4 of Section 21, directly into the east highway road ditch of Cass County Highway 15.

The Board previously provided a *Thirty-Day Notice* to the Cass County Highway Department in accordance with N.D. Cent. Code Section 61-32-03.1; the Board will require Applicant to obtain permission from Cass County regarding discharge into the County Highway 15 right of way.

According to records on file with the Cass County Recorder's Office, E. Lynn Overboe owns the NW 1/4 of Section 21 in Normanna Township. Further, Cass County owns its Highway 15 right of way along the west boundary of the NW 1/4 in Section 21.

It was moved by Manager Yohe and seconded by Manager Jacobson to approve *Application to Install a Subsurface Drain No. 20157* dated July 17, 2015, for E. Lynn Overboe in the NW 1/4 of Section 21 in Normanna Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant obtain written permission from Cass County to discharge into, or otherwise utilize, any of its county highway right of way;
- 3) That Applicant notify the Southeast Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Southeast Cass Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Southeast Cass Water Resource District; and
- 6) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Items for review and comment, with input provided by the Water Resource District Engineer

It was moved by Manager Jacobson and seconded by Manager Yohe to approve and authorize the Secretary-Treasurer to submit comment on the following, with input from the Water Resource District Engineer:

- *Utility Permit* for Midcontinent Communications to install coax cable along the east side of Drain #21, south of Main Avenue;
- *Utility Permit* for the City of West Fargo to install storm sewer outlet pipe and rock rip-rap on Drain #21, south of 8th Avenue NW;
- *Utility Permit* for Xcel Energy to install gas main on Drain #21 on the north side of Main Avenue West;
- *Utility Permit* for CMC Properties to install a stormwater culvert east of Drain #21, south of 7th Avenue NW, contingent upon receiving an updated utility permit form;
- Correspondence from West Fargo Planning
 - Sterling Industrial Park 7th Addition
 - Woodlinn West 4th Addition
 - Sandhill's 3rd Addition; and
- Correspondence from the Fargo Department of Planning and Development
 - Timber Creek Fifth Addition

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Yohe and seconded by Manager Jacobson to approve payment of Checks #12174, #12229 through #12244, #12250 through #12253, #12271, the electronic funds transfers, and the debit card transactions, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson, and Yohe. The Chairman declared the motion passed.

2015-2016 Sheyenne River and Wild Rice River Snagging and Clearing Projects – State Water Commission cost-share requests

Mr. Lysne reviewed the *Engineer's Report* for the 2015-2016 Sheyenne River and Wild Rice River Snagging and Clearing Projects. It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Engineer's Report* and to submit cost-share requests to the State Water Commission regarding the 2015-2016 Sheyenne River and Wild Rice River Snagging and Clearing Projects. Upon roll call vote, the motion carried unanimously.

Drain #60 - cleanout

Mr. Woodard reviewed the Drain #60 plan and profile for Sections 26, 27, and 28 in Normanna Township with the Board. Moore Engineering, Inc. will take another look at the survey of Drain #60 and re-work the plans for cleanout of Section 28.

It was moved by Manager Jacobson and seconded by Manager Yohe to authorize Moore Engineering, Inc. to hire a contractor to begin cleanout of Drain #60 in Section 28 of Normanna Township, at a cost not to exceed \$15,000. Upon roll call vote, the motion carried unanimously.

Project WET 2015 – reimbursement of registration fees for attendees

It was moved by Manager Jacobson and seconded by Manager Yohe to approve reimbursement of the registration fee for Project WET 2015 attendees, contingent upon receiving the approved list of attendees from the State Water Commission. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer